

NO. 5:19-CV-158-FL

Defendant.

Shortly thereafter, the bankruptcy court filed a recommendation of dismissal of appeal. The bankruptcy court asserts that dismissal is instead appropriate because plaintiff failed to pay the filing

fee required to appeal, and he did not designate items to be included in the record on appeal and issues presented on appeal. See 28 U.S.C. § 1930; Fed. R. Bankr. P. 8009. Defendant argues the matter should be dismissed for the reasons set forth by the bankruptcy court.

COURT'S DISCUSSION

The filing fee for an appeal from the decision of the bankruptcy court in this case is \$298.00. See 28 U.S.C. § 1930 (providing for a \$293.00 appeal fee in addition to a statutorily mandated \$5.00 fee for every appeal). In addition, an appellant “must file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented.” Fed. R. Bankr. P. 8009(a)(1)(A). Pro se litigants are not exempt from compliance with court procedures. See Saimplice v. Ocwen Loan Servicing Inc., 368 F. Supp. 3d 858, 865 (E.D.N.C. 2019). The bankruptcy court represents, and plaintiff does not deny, that plaintiff has failed to meet the basic procedural requirements for appealing the bankruptcy court’s decision. Accordingly, plaintiff’s motion to dismiss is granted, but the court grants the motion for failure to comply with Rule 8009 and 28 U.S.C. § 1930.

CONCLUSION

Based on the foregoing, plaintiff’s motion to dismiss (DE 9) is GRANTED. Plaintiff’s appeal is DISMISSED. The clerk is DIRECTED to close this case.

SO ORDERED, this the 28th day of June, 2019.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style.

LOUISE W. FLANAGAN
United States District Judge